

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CATHERINE ALEXANDER,

Plaintiff,

v.

TAKE-TWO INTERACTIVE SOFTWARE,
INC., et al.,

Defendants.

Case No. 3:18-cv-0966-MJR-DGW

JURY TRIAL DEMANDED

PLAINTIFF'S MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT

Pursuant to Fed. R. Civ. P. 15(a), Plaintiff Catherine Alexander respectfully moves the Court for leave to file an amended complaint as a matter of course. In support of this motion, Plaintiff states the following:

1. On April 17, 2018, Plaintiff Catherine Alexander filed a Complaint against the Defendants.
2. On July 9, 2018 Defendants Yuke's Co., Ltd. ("Yuke's"), Yuke's LA Inc. ("Yuke's LA") and World Wrestling Entertainment, Inc. ("WWE") filed motions to dismiss for lack of personal jurisdiction. Motions to dismiss are pending. (Docs. 49, 51).
3. Per the Court's August 7, 2018 Scheduling Order (Doc. 54), Plaintiff was to serve discovery requests regarding personal jurisdiction by July 18, 2018.
4. Plaintiff served interrogatories and requests for admission seeking information from Defendants Yuke's, Yuke's LA, and WWE regarding their motions to dismiss regarding personal jurisdiction on July 18, 2018.
5. On August 17, 2018, Plaintiff received discovery responses from Defendants Yuke's Co., Yuke's LA, and WWE.

6. Plaintiff now seeks to amend her Complaint to add additional jurisdictional facts which came from Defendants' discovery responses.

7. Per the Court's August 7, 2018 Scheduling and Discovery Order, any motions to amend pleadings are to be filed before October 10, 2018.

8. Leave to amend shall be freely given when justice so requires. Fed. R. Civ. P. 15(a)(2).

9. Leave to amend should be granted absent undue delay, bad faith or dilatory motive on part of movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to opposing party by virtue of allowance of amendment, or futility of amendment. *Ferguson v. Roberts*, 11 F.3d 696, 706 (7th Cir. 1993) (citing *Foman v. Davis*, 371 U.S. 178, 182 (1962)).

10. Plaintiff has exhibited no undue delay or bad faith, as she has moved to amend her complaint shortly after she received the Defendants' discovery responses.

11. Defendants will not suffer any material prejudice as a result of Plaintiff's Amended Complaint.

12. Moreover, Plaintiff would be prejudiced if she were not allowed to amend her complaint after learning additional jurisdictional facts through the Defendants' discovery responses.

13. A copy of Plaintiff's proposed Amended Complaint has been submitted pursuant to Local Rule 15.1 and CM/ECF User's Manual Section 2.10.

Wherefore, Plaintiff respectfully requests that this Court grant Plaintiff's Motion for Leave to File Amended Complaint.

Dated: September 5, 2018

Respectfully submitted,

/s/ Anthony G. Simon

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all counsel of record this 5th day of September, 2018 via the Court's CM/ECF system.

/s/ Anthony G. Simon